

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the Office Action dated November 16, 2006. In accordance with the Examiner's remarks regarding an Information Disclosure Statement filed on March 15, 2006, a Supplemental Information Disclosure Statement is attached hereto with the specified reference.

The status of the application is as follows:

- Claims 1-18 are pending and are presently under consideration. Claims 1, 3, 5, 7, 8, 10, 15, 16, and 17 have been amended herein.
- The specification stands objected to due to minor informalities.
- The drawings stand objected to for lack of descriptive textual labels.
- Claims 7 and 10 stand objected to due to minor informalities.
- Claims 1-16 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.
- Claims 1-10, 16, and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hunt, *et al.* (US Patent Application Publication No. 2002/0078056).
- Claims 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunt, *et al.* in view of Hosken (US 6,438,579).
- Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hunt, *et al.* in view of Huper-Graff, *et al.* (US Patent Application Publication No. 2004/0044677).

The objections and the rejection of these claims is discussed below.

#### **The Objection to the Specification**

The specification stands objected to due to minor informalities. The specification has been amended herein in accordance with the Examiner's comments; accordingly, it is requested that this objection be withdrawn.

### **The Objection to the Drawings**

The drawings stand objected to due to lack of descriptive textual labels. Replacement Drawing Sheets are attached hereto remedy this deficiency.

### **The Objection to Claims 7 and 10**

Claims 7 and 10 stand objected to due to minor informalities. Claim 7 has been amended to cure the deficiency noted by the Examiner, and claim 10 has been cancelled.

### **The Rejection of Claims 1-16 Under 35 U.S.C. §101**

Claims 1-16 stand rejected under 35 U.S.C. §101 as being directed towards non-statutory subject matter. Independent claim 1 has been amended to remove permissive language, thereby clearly reciting that a user profile is modified to reflect content of a temporary user profile. The useful, concrete, and tangible result is a modified user preference profile that can be utilized in connection with recommending content to a user. Additionally, claim 16 has been amended to recite *a computer-readable medium comprising instructions for executing steps in any one of the preceding claims*. Accordingly, claim 16 is directed towards a computer-readable medium. Therefore, withdrawal of this rejection is respectfully requested.

### **The Rejection of Claims 1-10, 16, and 17 Under 35 U.S.C. §102(e)**

Claims 1-10, 16, and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hunt, *et al.* It is respectfully requested that this rejection be withdrawn, as Hunt, *et al.* fails to disclose each and every element as recited in these claims.

### ***Background***

Applicant's disclosure is directed towards the recommendation of content, such as a television program, to a user based upon a preference profile of the user. A problem with conventional recommending systems/methods is that, over time, a recommending system may become inflexible, such that it is unable to recognize or adapt to changing preferences of a user. Accordingly, a temporary user preference profile is described,

wherein the temporary user preference profile can retain preference information about a particular topic that may recently have become of interest to the user. The temporary user preference profile may be used to update the personal preference profile, thereby allowing a recommending system to output recommendations in accordance with alterations in user preferences.

***Claims 1 and 17***

Keeping the above-mentioned background in mind, claim 1 recites, *inter alia*, *detecting a content item interest, determining that the content item interest does not correspond to the user preference profile, determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile, and modifying the user preference profile to reflect the temporary user preference profile*. Claim 17 recites, *inter alia*, *a user interface controller for detecting a content item interest upon receiving a selection of multiple content items, wherein the recommender processor is operable to determine that the content item interest does not correspond to the user preference profile, determine a temporary user preference profile in response to the content item interest failing to correspond to the user preference profile; and modify the user preference profile to reflect the temporary user preference profile*. Hunt, *et al.* fails to disclose these claimed aspects.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Hunt, *et al.* discloses a system and method for automatically detecting user preferences with respect to media content files. (*See Abstract*). To determine the user preferences, Hunt, *et al.* teaches monitoring a user's reaction to the playing of media content items. (*See Abstract*). In more detail, Hunt, *et al.* discloses monitoring an amount of time a user listens to a song and then inferring to what degree the user likes/dislikes the song as a function of the amount of time. (*See paragraph 22*). To that

end, Hunt, *et al.* states that a score is calculated for each song played based upon how early a “Next Song” button is hit (if at all). A song receives the highest score if it is played completely through without user interruption, and receives a lower score if the “Next Song” button is selected while the song is playing. The earlier the “Next Song” button is hit, the lower the score. (See paragraph 23).

A possible problem with such a scoring method, as recognized by Hunt, *et al.*, is that a user may be passively listening to music and/or have left an area where the music is played, thereby not providing feedback indicative of user preference. To address this problem, Hunt, *et al.* discloses use of a temporary user profile, such that scores for songs played are not provided to a permanent user profile until the user provides some sort of feedback. (See paragraph 37). If the user fails to provide feedback, the information in the temporary profile is not provided to the permanent profile, thereby avoiding inclusion of songs/attributes in the permanent profile that may not be indicative of user preferences. (See paragraph 37).

Hunt, *et al.*, however, fails to disclose, teach, or suggest *determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile* as claimed. Rather, the temporary user profile as described in Hunt, *et al.* is created when user feedback is not received, and is not determined in response to a content item interest not corresponding to a user preference profile as claimed. As noted by the Examiner, Hunt, *et al.* teaches provision of songs to a user that the recommending system is unsure the user will enjoy. (See paragraph 28). Provision of such songs to the user is taught as being performed in early stages of profile development to prevent unnecessary narrowing of user interests. The creation of the temporary user profile described in Hunt, *et al.*, however, is not based upon provision of these songs, but is rather created when the user is inactive. Accordingly, Hunt, *et al.* fails to disclose, teach, or suggest each and every element as recited in these claims, and this rejection should be withdrawn.

***Claim 2***

Claim 2, which depends from claim 1, recites *wherein a number of preference content items associated with the temporary user profile are recommended to the user*. As described above, Hunt, *et al.* teaches use of a temporary profile to store information when the user may be away from a stereo or passively listening to music. Content of the temporary profile of Hunt, *et al.* is not added to a permanent profile until user action is detected. The portion of Hunt, *et al.* cited by the Examiner teaches use of the permanent profile to recommend songs to the user. (See paragraph 28). Therefore, Hunt, *et al.* fails to disclose recommending a number of preference content items associated with the temporary user profile, and therefore this rejection should be withdrawn.

***Other Dependent Claims***

Other dependent claims not mentioned are believed to be allowable by virtue of their dependency on claim 1.

**The Rejection of Claims 11-15 Under 35 U.S.C. §103(a)**

Claims 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunt, *et al.* in view of Hosken. Withdrawal of this rejection is respectfully requested, as Hunt, *et al.* and Hosken fail to teach or suggest each aspect as recited in these claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. (MPEP §2142) (Emphasis added). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's

disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Hosken generally teaches use of collaborative filtering to recommend entertainment oriented content to a user. (See Abstract). Accordingly, Hosken teaches comparison of a user profile with other user profiles in connection with recommending content to a user (See Abstract). Like Hunt, *et al.*, however, Hosken fails to disclose, teach, or suggest *determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile* as recited in claim 1, from which the subject claims depend. Accordingly, claims 11-15 are believed to be allowable at least by virtue of their dependency on claim 1.

**The Rejection of Claim 18 Under 35 U.S.C. §103(a)**

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hunt, *et al.* in view of Huper-Graff, *et al.* Withdrawal of this rejection is respectfully requested, as the combination of Hunt, *et al.* and Huper-Graff, *et al.* fails to disclose, teach, or suggest all aspects recited in this claim. Huper-Graff, *et al.* teaches a system used by media providers to provide clients with personalized content. (See Abstract). Huper-Graff, *et al.*, however, fails to disclose *a recommender processor for determining a user preference profile, wherein the recommender processor is operable to determine a temporary user preference profile in response to the content item interest failing to correspond to the user preference profile* as claimed. Thus, claim 18 is believed to be allowable at least by virtue of its dependency on claim 17.

**Conclusion**

In view of the foregoing, it is submitted that claims 1-9 and 11-18 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,  
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